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JCS FOR J-5
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SUBJECT: OSCE/FSC OCTOBER 22: MELANGE ELIMINATION AND
MONTREUX DOCUMENT

¶1. (SBU) Summary: At the 22 October FSC Plenary Georgia accused Russia of violating the six-point cease fire agreement by not completely withdrawing its forces out of Georgian territory. Russia disagreed and countered that Georgia was increasing its military presence in the "buffer zone" area. OSCE Secretary General de Brichambaut presented an update of an OSCE project to help Ukraine eliminate liquid rocket fuel component ("melange"). The project received wide support from many delegations. Ambassador Paul Seger of Switzerland gave an overview of the Montreux Document on pertinent international legal obligations and good practices for State related to operations of private military and security companies during armed conflict. States in this effort.

¶2. (SBU) In the working groups, there was consensus to move the Estonian cyber security draft decision to next week's Plenary for adoption. Russia opposed the U.S. proposed edits and fought with Georgia over the draft Ministerial Council decision on issues relevant to the FSC. Turkey and Sweden disagreed over text that refers to women in the latest version of the draft decision on an update of the Questionnaire on the Code of Conduct. Washington, please see paragraphs 13, 14, and 20. End Summary

Same Old Story...Getting Older

¶3. (SBU) Georgia (Giorgadze) kicked off the 561st meeting of the Forum for Security Cooperation (FSC) by accusing Russia of violating the six-point cease fire agreement. Giorgadze said that Russia was occupying villages outside of South Ossetia "proper" as well as the non-conflict territory of Abkhazia. As a result, displaced personnel were not able to

return to their homes. He claimed that Russia was guilty of ethnic cleansing and had recently violated Georgian airspace.

Giorgadze cited recent Russian statements confirming that there were over 8000 Russia troops on Georgian soil. The Georgian representative appealed to the OSCE to take urgent measures to stop Russian actions against his country.

14. (SBU) Russia (Ulyanov) flatly denied Giorgadze's accusations. Ulyanov said Russia had fulfilled all of its obligations under the cease fire agreement, some even ahead of schedule. He revealed that Georgia was increasing its military presence in the "buffer zone" by building over 20 new checkpoints. The current situation worries Russia. Ulyanov hoped the EU's mission in Georgia would prevent the resurgence of hostilities.

Melange Anyone?

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15. (SBU) The OSCE Secretary General (de Brichambaut) presented an update on the OSCE-Ukraine project "Assisting the Government of Ukraine in Eliminating Melange (Liquid Rocket Fuel Component) Stocks." The SYG submitted the project plan to the FSC "for information, and, if appropriate for endorsement" (in line with procedures outlined in the OSCE Document on Stockpiles of Conventional Ammunitions). The details of the project and de Brichambaut's brief can be found in FSC.GAL/126/08. Some highlights from the Secretary

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General's presentation included:

- the goal of the project - the largest being organized under OSCE auspices - is ultimately to eliminate up to 16,300 tons of Melange at 6 locations from 2009-2013; the project plan presented to the FSC focuses on disposal of an initial tranche of 3,000 tons.

- the OSCE and Ukraine negotiators have agreed to three MOUs on the legal framework for implementers, technical Terms of Reference, and draft tri-partite contract for tenders.

- the project is the most difficult due to the amount of Melange to be destroyed, liability issues, safety concerns with transporting Melange for elimination, regulations on handling hazardous material, OSCE responsibilities for implementing the project's technical standards, and the need to establish privileges/immunities for project personnel.

- donors have pledged 3,197,079.11 Euros to the project which is estimated to be sufficient to dispose of the initial 3,000 tons of Melange.

- Under the OSCE procurement principles, tender of the project will be announced by 15 December 2008 and work will begin nine months later.

16. (SBU) There was broad support for this OSCE-Ukrainian project. Demark (Petersen) noted the importance of Melange destruction to reduce health and environmental risks. Petersen supported the SYG's plan and announced a donation of 900,000 Euros to the project. Sweden informed the FSC that it had set aside 1,000,000 Euros and 500,000 Euros for this effort in 2008 and 2009 respectively. Germany, Spain, the Czech Republic, Greece, Poland, and Ukraine all voiced their support of the Secretariat and SYG's work and urged moving the project forward as quickly as possible. Looking ahead at the tender process, the Polish representative shared with the Plenary that a Polish-U.S. consortium had recently completed an on-site destruction of 215 tons of Melange in Ukraine and that this consortium's on-site elimination method was safe and effective. Ukraine's Ambassador Yelchenko indicated that there was flexibility on the issues of privileges/immunities for those involved in the project. He asked the Secretariat for the list of personnel and promised that Ukraine would take the list into consideration.

17. (SBU) Secretary General de Brichambaut thanked all for their support. He reminded the FSC that the tender process will be fair and in the interests of the OSCE as well as the bidders. De Brichambaut said he will move ahead with the

Melange destruction project.

Montreux Document

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¶8. (SBU) Under Security Dialogue, Swiss Ambassador Paul Seger gave a presentation on the Montreux Document on pertinent international legal obligations and good practices for States related to operations of Private Military and Security Companies (PMSCs) during armed conflict (FSC.DEL/166/08). Seger provided some background behind the development of the Document. He told the Plenary that the ambition of the 17 States (10, including the U.S. are OSCE members) involved in the process was to produce a simple, easy to understand, specific and operational paper. The goal was not to condemn or legitimize the contracting and activities of the PMSCs, but to "face up" to the growing use

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of PMSCs in conflict situations. Seger noted that the first part of the Montreux Document recapitulates the existing rules of relevant international laws such as the Geneva Conventions while the second part contains a set of good practices designed to assist States in complying with the relevant laws through administrative, legislative or other measures.

¶9. (SBU) Seger believed the OSCE could play a decisive role in promoting the Montreux Document by expressing its political support, by getting OSCE participating States to utilize the Document and by organizing a workshop to discuss the content of the Document in greater details. Seger promised that Switzerland will continue to be involved in the promotion and dissemination (the Document will be translated into the six official languages of the United Nations and will be disseminated to all UN Member States) of this Document and offered to assist any States wishing to do the same.

¶10. (SBU) Austria, the U.K., Germany, and Switzerland voiced their support for the Montreux Document and Ambassador Seger's work. Austria and Switzerland offered to work with other delegations to push the Document in the OSCE. The U.K. informed the Plenary that London had incorporated some of the Document's concept into its contractual agreements with PMSCs. Germany commented that the OSCE Code of Conduct of Politico-Military Aspects of Security may possibly be linked to the Montreux Document and that discussion on this may be helpful.

¶11. (SBU) The U.S. (Neighbour), drawing from talking points used by Department's Legal Advisor John B. Bellinger at the recent Montreux Document meeting, highlighted the U.S. involvement in the development of the Document and repeated Washington's support for accountability of PMSC, their personnel and the application of professional standard to their operations. Neighbour said that the Document will provide helpful and practical guidance to States that contract with private military and security companies, States on whose soil they operate, and States in which they are based or incorporated.

¶12. (SBU) Ambassador Seger welcomed the support and reminded the FSC of the need to acquaint others with the Document. Seger said that although he is always looking for way to improve the Document, the immediate goal is to implement the current version before making any changes.

Cyber Security

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¶13. (SBU) Turkey and Russia had received guidance from their capitals to support the Estonian proposal for an OSCE workshop on enhancing cyber security(FSC.DEL/125/08/Rev.4). Russia said that although it supported the decision, it will have comments on some aspects of the agenda. The draft

decision will be moved to the Plenary for adoption at the next FSC meeting. USDEL believes that the current text satisfies U.S. criteria and will join consensus unless otherwise directed.

MC.DD on SALW

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¶14. (SBU) The current version of the draft Ministerial Council decision on Small Arms and Light Weapons and Stockpiles of Conventional Ammunition (MC.DD/7/08/Rev.1) remains on the working group agenda because Turkey had not received instructions from capital. Request Washington provides guidance to USDEL on this draft decision.

MC.DD on FSC Issues

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¶15. (SBU) Georgia and Russia argued, using similar arguments from last week's meeting, over the text in the OP1 tic two of the draft decision. Both delegations rejected the latest version (MC.DD/6/08/Rev.1). Georgia wanted the draft text to reflect that there was a conflict between Georgia and Russia. Russia, which is waiting for guidance from Moscow on the current version, commented that Georgian proposal was inaccurate.

¶16. (SBU) USDEL informed the working group that the U.S. would prefer the "or" version of OP3. USDEL noted that last year's tasking for reports was not a precedent, that in previous year the chair simply reported on the work accomplished by the FSC, and that the chair's hands should not be tied and be told what to report a year in advance. If the "or" version was not acceptable to delegations, USDEL suggested replacing "submit" with "report," deleting "progress report" after the word "chairperson," and inserting "its work, including, as appropriate," after "2009." As with the last weeks' working group, Russia rejected the U.S. proposal. Russia (Ulyanov) thought the current version, that mentioned specific reports, was a step forward and reverting to the previous format (an "unspecified" report by the chair intended to address all pertinent FSC activities) was a step backward. Ulyanov wanted to know what would be the consequence of the current text in OP3 and what report the Ministerial Council would received under the U.S. changes. Ulyanov would rather have the "original" form of OP3.

SALW to Georgia

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¶17. (SBU) Russia opened the discussion with a video/picture presentation on the dangers of arming Georgia. The film, set to melancholy music, was about 15 minutes long. It attempted to indict all of the countries that had provided arms, equipment, and other assistance to Georgia. Russia (Ulyanov) announced that Russia's military action to "save" South Ossetia allowed them to find the evidence in the film. The key points to the video include:

- arming Georgia has turned the region into a "powder-box."
- 14 countries are guilty of providing Georgia with tanks, UAVs, and SALW/CA.
- Georgia had increased its armament prior to the August conflict (Battle Tanks from 98 to 183, ACVs from 83 to 134, Artillery from 96 to 238, combat aircraft from 7 to 9, and number of helicopters from 3 to 9).

¶18. (SBU) Ulyanov said that "it was a pleasure" to show the film and evidence to the working group. He commented that no

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delegation had provided any compelling reason to refute the

need for a FSC draft decision on supplies of CA, and light weapons to Georgia.

¶19. (SBU) Georgia and the U.K. recalled and reaffirmed their support to the EU statement made in support of Georgia at the 15 October meeting. Furthermore, the U.K., referring to the futility of the proposal, reminded Russia that the no decision can go forward if there was no consensus. After the working group, Finland informed USDEL that Russia's proposal will not be on the agenda for next week's working group.

SALW by Air
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¶20. (SBU) With the exception of Belarus and the U.S., there was consensus on sending the draft decision (FSC.DD/10/08/Rev.1) to the Plenary for adoption. USDEL believes that the current text satisfies U.S. criteria and will join consensus in both the working group and the Plenary unless otherwise directed.

SALW and SCA
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¶21. (SBU) Germany, coordinator for SALW, and Denmark, coordinator for SCA, informed the working group that their status report for the December Ministerial Council is being prepared will be promulgated. Although the report is not a consensus document, inputs from interested delegations are welcome.

Code of Conduct
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¶22. (SBU) Turkey wanted to delete the 6th paragraph in the preamble (reference to UNSCR 1325) and item II.4.3 of the draft Code of Conduct (CoC) questionnaire because it believes the "gender" issue was not a part of the original CoC and as a result there is not a mandate to update the questionnaire with this issue. Sweden, Norway, and Canada opposed the Turkish deletion suggestions. When questioned by USDEL about document to support States in replying to the questionnaire referenced in the OP tic three, the coordinator (Austria, Eisner) informed all that the plan is to produce the referenced document before the decision is approved. Citing the lack of added value, USDEL proposed deleting section I.3 (questions concerning implementation of commitments in arms control, disarmament, and confidence-and-security building measures). Turkey agreed and Russia agreed in principle, but needed guidance from Moscow. USDEL suggested using the original CoC text in a question format for section II.2.3 to make the item clearer. The new text would read "what are the roles and missions of military, paramilitary and security forces, as well as controls to ensure they act solely within the constitutional framework?" Eisner promised to continue to work with delegations to reach a compromise on all the issues.

Next Meeting
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¶23. (U) The next FSC meeting will be a joint FSC-PC meeting

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on 29 October. The agenda is in FSC-PC.GAL/6/08/Rev.1. The working groups will meet immediately afterwards.
FINLEY